

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

GERALD GATES,

Plaintiff,

Civil Action No.:
07-CV-11036 (MGC) (DEF)

-against-

STIPULATION TO REMAND
TO STATE COURT

TARGET CORPORATION,

Defendant.

Cedarbaum, J.
Eaton, M.J.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/6/08

IT IS HEREBY STIPULATED AND AGREED, by and between KRIEGER, WILANSKY & HUPART, ESQS., attorneys for plaintiff GERALD GATES, and SIMMONS, JANNACE & STAGG, L.L.P., attorneys for defendant TARGET CORPORATION (hereinafter "Target"), that the plaintiff's damages, including but not limited to, pain and suffering, personal injury, medical expenses, loss of earnings and/or any other special damages relating to the alleged accident which forms the basis of this lawsuit, shall not exceed the sum of SEVENTY-FIVE THOUSAND DOLLARS AND 00/100 (\$75,000.00), and that any claim for damages as a result of the accident that is the subject of this lawsuit is hereby forever reduced to the sum of SEVENTY-FIVE THOUSAND DOLLARS AND 00/100 (\$75,000.00).

IT IS HEREBY FURTHER STIPULATED AND AGREED, that in exchange for the above, defendant Target hereby consents to the remand of this matter from the United States District Court to the Supreme Court of the State of New York, County of Bronx.

MAY-06-2008 17:09

KRIEGER - WILANSKY

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P.03/03

Dated: Syosset, New York
May 6, 2008

KRIEGER, WILANSKY & HUPART, ESQS.

SIMMONS, JANNACH & STAGG, L.L.P.

By: H. Wilansky

Attorneys for Plaintiff
GERALD GATES
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By: Michael D. Kern

MICHAEL D. KERN (mk 9573)
Attorneys for Defendant
TARGET CORPORATION
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Syosset, New York 11791-3139
(516) 357-8100

Scdp Remand

So ordered,
May 6, 2008

The Clerk is directed promptly to send
the file of this case to the Clerk of the Supreme
Court of Bronx County, New York.

S/
United States District Judge